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EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on 22nd August, 2005:—

BILL NO. LXXXV OF 2005

A Bill to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 and certain other labour laws.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment and Miscellaneous Provisions Act, 2005.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND MAINTAINING REGISTERS BY CERTAIN ESTABLISHMENTS) ACT, 1988

Amendment
of long title.

2. In the long title to the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 (hereinafter referred to as the principal Act), for the words "establishments employing a small number of persons", the words "certain establishments" shall be substituted.

51 of 1988.

Insertion of
new section
1A.

3. After section 1 of the principal Act, the following section shall be inserted, namely:—

Application.

"1A. (1) This Act shall, in the first instance, be applicable to every establishment in which not more than five hundred persons are employed or were employed on any day of the preceding twelve months.

(2) The Central Government may, by notification in the Official Gazette, extend the provisions of this Act, with effect from such date as may be specified in the notification, to any other establishment in which more than five hundred persons are employed, or were employed on any day of the preceding twelve months."

Amendment
of section 2.

4. In section 2 of the principal Act,—

(i) in clause (c), for the words "Second Schedule", the words "Third Schedule" shall be substituted;

(ii) after clause (c), the following clauses shall be inserted, namely:—

'(ca) "inspector" means an inspector appointed by the appropriate Government under the relevant provisions of the Scheduled Act;

(cb) "other establishment" means an establishment in which not less than twenty persons are employed or were employed on any day of the preceding twelve months;';

(iii) in clause (e), the words "not less than ten and" shall be omitted;

(iv) clause (f) shall be omitted.

Substitution of
new sections
for section 4.

5. For section 4 of the principal Act, the following sections shall be substituted, namely:—

Exemption
from furnishing
returns or
maintaining
of returns and
registers
required under
certain labour
laws.

"4. (1) Notwithstanding anything contained in a Scheduled Act, on and from the commencement of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Act, 2005, it shall not be necessary for an employer in relation to any small establishment or other establishment to which a Scheduled Act applies to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act:

Provided that such employer—

(a) furnishes, in lieu of such returns, an annual return in Form I; and

(b) maintains, in lieu of such registers,—

(i) a register of persons employed-cum-employment card in Form II,
and

(ii) a consolidated muster roll-cum-wage register in Form III,

at the work spot:

Provided further that every such employer of other establishment shall continue to maintain or issue or both maintain and issue such wage slips, employment cards and wage books and any other record as enumerated in the Second Schedule.

(2) The annual return in Form I and the registers in Forms II and III and wage slips, wage books and other records, as enumerated in the Second Schedule, may be maintained by an employer on a computer, computer floppy, diskette or other electronic media:

Provided that a print out of such returns, registers, books and records or a portion thereof is made available to the inspector on demand.

(3) The employer or the person responsible to furnish the annual return in Form I or any other return enumerated in the Second Schedule may furnish it to the Inspector or any other authority prescribed under the Scheduled Acts through electronic mail if the Inspector or the authority has the facility to receive such electronic mail.

(4) Save as provided in sub-section (1), all other provisions of a Scheduled Act, including, in particular, the inspection of the registers by, and furnishing of their copies to, the authorities under that Act, shall apply to the returns and registers required to be furnished or maintained under this Act as they apply to the returns and registers under that Scheduled Act.

(5) Where an employer in respect of an establishment referred to in sub-section (1), or notified under sub-section (2), of section 1A, to whom a Scheduled Act applies, furnishes returns or maintains the registers as provided in the proviso to sub-section (1), nothing contained in that Scheduled Act shall render him liable to any penalty for his failure to furnish any return or to maintain any register under that Scheduled Act.

4A. Notwithstanding anything contained in a Scheduled Act, on and from the commencement of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Act, 2005, it shall not be necessary for an employer, in relation to an establishment to which the Scheduled Act applies, to display abstracts of Acts and of the rules framed thereunder.”

Exemption from the requirements of displaying of abstracts of Acts and rules.

6. In section 6 of the principal Act, in clause (a), for the words “with fine which may extend to rupees five thousand”, the words “with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both” shall be substituted.

Amendment of section 6.

7. For sections 7 and 8 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for sections 7 and 8.

‘7. (1) The Central Government may, if it is of opinion that it is expedient so to do, by notification in the Official Gazette, amend any Schedule and thereupon such Schedule shall, subject to the provisions of sub-section (2), be deemed to have been amended accordingly.

Power to amend the Schedules.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Power to
exempt.

8. The appropriate Government or any authority duly authorised by the appropriate Government may, by order, exempt any establishment from the requirement of maintenance of any register or records or furnishing of any return under this Act if that Government or the authority authorised by it is satisfied that an alternative mechanism or method of maintenance of record, electronically or otherwise exists or any arrangement which is introduced in an establishment meets the requirements of the concerned register or record or furnishing of any return or notice to the concerned authorities.

Explanation.—For the purposes of this section, “appropriate Government”, in relation to an establishment, under the control of the Central Government or a railway administration or major port or a mine or oil field, means the Central Government and in other cases, the State Government.’.

Substitution
of new
Schedules for
First Schedule
and Second
Schedule.

8. For the First Schedule and the Second Schedule to the principal Act, the Schedules specified in the Schedule shall be substituted.

CHAPTER III

AMENDMENTS TO THE WEEKLY HOLIDAYS ACT, 1942

Substitution of
new sections
for section 9.

9. For section 9 of the Weekly Holidays Act, 1942, the following sections shall be substituted, namely:— 18 of 1942.

Penalties.

“9. In the event of any contravention of the provisions of section 3 or of section 4 or of a requirement imposed by a notification under sub-section (1) of section 5 or of section 6, the proprietor or other person responsible for the management of the establishment in which such contravention takes place shall be punishable with fine which may extend, in the case of the first offence, to ten thousand rupees, and, in the case of a second or subsequent offence, to twenty-five thousand rupees.

Obstructions.

9A. Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall, on conviction, be punishable,—

(a) in the case of the first conviction with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both:

Provided that if any person wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall, on conviction, be punishable,—

(a) in the case of the first conviction, with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”.

CHAPTER IV

AMENDMENTS TO THE MINIMUM WAGES ACT, 1948

11 of 1948.

10. For section 22A of the Minimum Wages Act, 1948, the following section shall be substituted, namely:—

Substitution
of new
section for
section 22A.

“22A. Any employer who contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by this Act, be punishable—

General
provision for
punishment
of other
offences.

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both:

Provided that if any person wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall, on conviction, be punishable,—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”.

CHAPTER V

AMENDMENTS TO THE FACTORIES ACT, 1948

63 of 1948.

11. In section 95 of the Factories Act, 1948, for the words “shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both”, the following shall be substituted, namely:—

Amendment
of section 95.

“shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”.

CHAPTER VI

AMENDMENTS TO THE PLANTATIONS LABOUR ACT, 1951

Amendment
of section 33.

12. In section 33 of the Plantations Labour Act, 1951, in sub-sections (1) and (2), for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both", the following shall be substituted, namely:—

69 of 1951.

"shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

CHAPTER VII

AMENDMENTS TO THE WORKING JOURNALISTS AND OTHER NEWSPAPER EMPLOYEES
(CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955Amendment
of section 18.

13. In section 18 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955,—

45 of 1955.

(i) in sub-section (1), for the words "shall be punishable with fine which may extend to two hundred rupees", the following shall be substituted, namely:—

"shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.";

(ii) sub-section (1A) shall be omitted.

CHAPTER VIII

AMENDMENTS TO THE MOTOR TRANSPORT WORKERS ACT, 1961

Amendment
of section 29.

14. In section 29 of the Motor Transport Workers Act, 1961, in sub-section (2), for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both", the following shall be substituted, namely:—

27 of 1961.

"shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

CHAPTER IX

AMENDMENTS TO THE PAYMENT OF BONUS ACT, 1965

21 of 1965.

15. In section 28 of the Payment of Bonus Act, 1965 for the words "be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:—

Amendment
of section 28.

"shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

CHAPTER X

AMENDMENTS TO THE BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT)
ACT, 1966

32 of 1966.

16. In section 32 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (hereafter in this Chapter referred to as the Beedi and Cigar Workers Act), for the portion beginning with the words "shall be punishable with imprisonment" and ending with the words "or with both", the following shall be substituted, namely:—

Amendment
of section 32.

"shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

17. In section 33 of the Beedi and Cigar Workers Act,—

Amendment
of section 33.

(a) in sub-section (1), for the words "with fine which may extend to two hundred and fifty rupees and for a second or any subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than one hundred rupees or more than five hundred or with both", the following shall be substituted, namely:—

"shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

(b) in sub-section (2),—

(i) in clause (a), for the words “with fine which may extend to two hundred and fifty rupees”, the following shall be substituted, namely:—

“shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”;

(ii) in clause (b), for the words “with fine which may extend to twenty rupees”, the following shall be substituted, namely:—

“shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”.

CHAPTER XI

AMENDMENTS TO THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970

Amendment
of section 22.

18. In section 22 of the Contract Labour (Regulation and Abolition) Act, 1970, in sub-sections (1) and (2), for the words “shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both”, wherever they occur, the following shall be substituted, namely:—

37 of 1970.

“shall on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”.

CHAPTER XII

AMENDMENTS TO THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) ACT, 1976

Amendment
of section 9.

19. In section 9 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (hereafter in this Chapter referred to as the Sales Promotion Employees Act), the words and figure “or section 7” shall be omitted.

11 of 1976.

20. After section 9 of the Sales Promotion Employees Act, the following section shall be inserted, namely:—

Insertion of
new section
9A.

“9A. Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall, on conviction, be punishable,—

Obstructions.

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both:

Provided that if any person wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does any thing which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall, on conviction, be punishable,—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”

CHAPTER XIII

AMENDMENTS TO THE EQUAL REMUNERATION ACT, 1976

25 of 1976.

21. In section 10 of the Equal Remuneration Act, 1976,—

Amendment
of section 10.

(a) in sub-section (1), for the words “he shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both”, the following shall be substituted, namely:—

“he shall on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”;

(b) in sub-section (3), for the words “he shall be punishable with fine which may extend to five hundred rupees”, the following shall be substituted, namely:—

“he shall on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”

CHAPTER XIV

AMENDMENTS TO THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

Amendment
of section 24.

22. In section 24 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, in sub-sections (1) and (2), for the words “shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both,” the following shall be substituted, namely:—

30 of 1979.

“shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”

CHAPTER XV

AMENDMENTS TO THE DOCK WORKERS (SAFETY, HEALTH AND WELFARE) ACT, 1986

Amendment
of section 14.

23. In section 14 of the Dock Workers (Safety, Health and Welfare) Act, 1986, in sub-section (1), for the words “five thousand rupees”, the words “twenty-five thousand rupees” shall be substituted.

54 of 1986.

CHAPTER XVI

AMENDMENTS TO THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

Amendment
of section 14.

24. In section 14 of the Child Labour (Prohibition and Regulation) Act, 1986, in sub-section (3), for the words “shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees, or with both”, the following shall be substituted, namely:—

61 of 1986.

“shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”

CHAPTER XVII

AMENDMENTS TO THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

Amendment
of section 49.

25. In section 49 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, in sub-sections (1) and (2), for the words “shall be punishable with imprisonment for a term which may extend to three months, or with

27 of 1996.

fine which may extend to one thousand rupees, or with both" wherever they occur, the following shall be substituted, namely:—

“shall, on conviction, be punishable—

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.”.

THE SCHEDULE

[See section 8]

“THE FIRST SCHEDULE

[See section 2(d)]

1. The Payment of Wages Act, 1936 (4 of 1936).
2. The Weekly Holidays Act, 1942 (18 of 1942).
3. The Minimum Wages Act, 1948 (11 of 1948).
4. The Factories Act, 1948 (63 of 1948).
5. The Plantations Labour Act, 1951 (69 of 1951).
6. The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).
7. The Motor Transport Workers Act, 1961 (27 of 1961).
8. The Payment of Bonus Act, 1965 (21 of 1965).
9. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966).
10. The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
11. The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).
12. The Equal Remuneration Act, 1976 (25 of 1976).
13. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979).
14. The Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986).
15. The Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986).
16. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996).

THE SECOND SCHEDULE

[See Section 4 (i)]

WAGE SLIPS, WAGE BOOKS AND OTHER RECORDS WHICH MAY BE MAINTAINED IN COMPUTER, COMPUTER FLOPPIES, DISKETTES OR OTHER ELECTRONIC MEDIA

1. Wage slips prescribed in the rules made under sections 18 and 30 of the Minimum Wages Act, 1948 (11 of 1948).

2. Slips relating to measurement of the amount of work done by piece-rated worker required to be issued under the rules made under sections 13A and 26 of the Payment of Wages Act, 1936 (4 of 1936).

3. Wage Book and Service Certificate as prescribed by the rules made under section 62 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996).

4. Record of Eye Examination, Humidity Registers, Register of Workers employed for work on or near machinery in motion, Register containing details of Examination of Hoists and Lifts, Register of Pressure Plant / Pressure Vessel, Register of Examination of Gas Holders, Health Register, Register of Accidents and Dangerous Occurrences and other records to be maintained under the Factories Rules made under sections 12, 13, 21, 26, 28, 29, 31, 34, 35, 38, 41, 85, 87, 88A and 89 of the Factories Act, 1948 (63 of 1948).

5. Return to be submitted by the Contractor to the Licensing Officer and register of contractors to be maintained by the Principal Employer in pursuance of the rules made under section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).

6. Registers prescribed by the rules made in pursuance of clause (4) of section 2, sections 15, 17 and 18 of the Payment of Bonus Act, 1965 (21 of 1965).

7. Monthly return by an employer to the competent authority specifying the quantity of tobacco released by the Central Excise Department and the number of beedi and cigar or both manufactured by him and the register of work for the wetting or cutting of beedi or tobacco leaves by employees outside the industrial premises prescribed by the rules made under section 44 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966).

8. Register of periodical test and examination and certificates thereof to be maintained under Regulations 41, 47, 49 and 51 of the Dock Workers (Safety, Health and Welfare) Regulations, 1990 made under section 21 of the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986).

THE THIRD SCHEDULE

[See section 2 (c)]

FORM I

[See section 4 (I)]

ANNUAL RETURN

(To be furnished to the Inspector or the authority specified for this purpose under the respective Scheduled Act before the 31st January of the following year)

(ending 31st December _____)

1. Name of the establishment, its postal address, telephone number, FAX number, e-mail address and location _____

2. Name and postal address of the employer _____

3. Name and address of principal employer, if the employer is a contractor _____

4. Name of the Manager responsible for supervision and control _____
 (i) Name of business, industry, trade or occupation carried on by the employer

 (ii) Date of commencement of the business, industry, trade or occupation

5. Employer's number under Employees State Insurance/Employees Provident Fund/Welfare Fund/PAN No., if any _____
6. Maximum number of workers employed on any day during the year to which this return relates to:

Category	Highly Skilled	Skilled	Semi-skilled	Un-skilled
Male				
Female				
Children (those who have not completed 18 years of age)				
Total				
7. Average number of workers employed during the year.
8. Total number of mandays worked during the year.
9. Number of workers during the year:

(a) Retrenched	:
(b) Resigned	:
(c) Terminated	:
10. Retrenchment compensation and terminal benefits paid (provide information completely in respect of each worker) _____

11. Mandays lost during the year on account of—
- (a) Strike :
- (b) Lockout :
- (c) Fatal accidents :
- (d) Non-fatal accidents :
12. Reasons for strike or lockout :
13. Total wages paid (wages and overtime to be shown separately) :

14. Total amount of deductions from wages made :

15. Number of accidents during the year :

Reported to Inspector of Factories/Dock Safety	Reported to Employees' State Insurance Corporation	Reported to Workmen's Compensation Commissioner	Others
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Fatal

Non-fatal

16. Compensation paid under the Workmen's Compensation Act, 1923 (8 of 1923) during the year _____
- (i) Fatal accidents :
- (ii) Non-fatal accidents :
17. Bonus*
- (a) Number of employees eligible for bonus :
- (b) Percentage of bonus declared and number of employees who were paid bonus:
- (c) Amount payable as bonus :
- (d) Total amount of bonus actually paid and date of payment :

Signature of the Manager / Employer
with full name in capital letters.

Place:

Date:

ANNEXURE TO FORM I*

Name and address of the Contractor	Period of contract From to	Nature of work	Maximum number of workers employed by each contractor	Number of days worked	Number of mandays worked
1	2	3	4	5	6

* Delete, if not applicable.

FORM II

[See section 4 (1)]

REGISTER OF PERSONS EMPLOYED-CUM-EMPLOYMENT CARD

Name of the establishment, address, telephone number, FAX number and e-mail address

Location of work _____

Name and address of Principal Employer if the employer is a Contractor _____

1. Name of workman / employee _____
2. Father's / Husband's name _____
3. Address
 - (i) Present _____
 - (ii) Permanent _____
4. Name and address of the nominee/next-of-kin _____
5. Designation/Category _____
6. Date of Birth/Age _____
7. Educational qualifications _____
8. Date of entry _____
9. Worker's ID No./ESI/EPF/L.W.F. No. _____
10. If the employed person is below 14 years, whether a certificate of age is maintained _____
11. Sex : Male or Female _____
12. Nationality _____
13. Date of termination of employment with reason _____
14. Signatures/thumb impression of worker/employee _____
15. Signature of the employer/Authorised officer with designation _____

Signature of the Contractor/
authorised representative
of the Principal Employer.

FORM III

[See proviso to section 4 (I)]

MUSTER ROLL-CUM-WAGE REGISTER

Name of the Establishment and address _____

Location of work _____

Name and address of Employer _____

1	2	3	4	5	6	7	8
Serial number	Name of the worker (ID No. in any) and father's husband's name	Designation/ category/ nature of work performed	Attendance (Dates of the month 1, 2,.... to 31)	Leave due (Earned leave and other kinds of admissible leave)	Leave availed (Specify)	Wage rate/ pay or piece rate/wages per unit	Other allowances, e.g. (a) Dearness Allowance (b) House Rent Allowance (c) Night Allowances (d) Displacement Allowance (e) Outward Journey Allowance
							(a)
							(b)
							(c)
							(d)
							(e)
9	10	11	12	13	14	15	16
Overtime worked number of hours in the month	Amount of overtime wages	Amount of advance and purpose of advance	Total/gross earnings	Deductions e.g. (a) Provident Fund (b) Advance (c) Employees' State Insurance (d) Other amount	Net amount payable (12—13)	Signature/ receipt of wages/ allowances for column number 14	Remarks
				(a)			
				(b)			
				(c)			
				(d)			

Certificate by the Principal Employer if the employer is a contractor.

This is to certify that the contractor has paid wages to workmen employed by him as shown in this register.

Signature of Principal Employer /
 Authorised Representative of Principal Employer."

STATEMENT OF OBJECTS AND REASONS

Parliament enacted from time to time a number of labour laws for regulating employment and conditions of service of workers. Whenever a new law was enacted, it prescribed certain registers to be maintained by the employers. Simultaneously, the laws also prescribed for furnishing of returns of various details by the employers to the concerned enforcing authorities. Over the years, the number of such registers to be maintained and the returns to be furnished by the employers under different labour laws has increased considerably. The Labour Laws (Exemption from Furnishing Returns and Maintaining of Registers by certain Establishments) Act, 1988 was enacted to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. Small establishments were exempted from furnishing returns and maintaining registers under certain enactments mentioned in the First Schedule to the Act and instead they were required to furnish returns and maintain registers in the forms set out in the Second Schedule to the Act. However, over the years there have been persistent demand from various quarters to simplify the forms of various returns to be furnished and registers to be maintained by the employers under different labour laws. The Second National Commission on Labour has also recommended for simplification of the forms of returns and registers and extending them to all establishments irrespective of the number of employees. Accordingly, in line with the recommendations of the Second National Commission on Labour and to meet the demand from various quarters, the Central Government constituted a Working Group to study and suggest the simplification of the forms and registers.

2. After considering the recommendations of the Working Group, it has been decided to amend the Act, *inter alia*, to provide for the following:—

(1) to simplify and rationalise the forms and registers specified in the Second Schedule to Act;

(2) to extend the applicability of the Act to establishments in which not more than 500 persons are employed or were employed on any day of the preceding twelve months and also to empower the Central Government to extend the applicability of the Act to establishments employing more than 500 persons by notification in the Official Gazette;

(3) to design computer-based forms and make provisions for transmitting the returns electronically;

(4) to amend the First Schedule to the Act (which specifies nine enactments) including therein seven more enactments so that the employers covered under all those sixteen enactments need to furnish or maintain only the common forms of returns or registers specified in the proposed Second and Third Schedules to the Act instead of under the individual Scheduled Acts;

(5) to prescribe penalties on a uniform basis for obstructions and non-maintenance of records and registers through amendments in all the sixteen enactments listed in the First Schedule to the Act except in case of the Payment of Wages Act, 1936 as a separate amending legislation in respect of the same is being considered by Parliament.

3. The Bill seeks to achieve the above objects. The notes on clauses explain the various provisions contained in the Bill.

K. CHANDRASEKHARA RAO.

Notes on clauses

Clause 1.— This clause provides for the short title and commencement of the proposed legislation. In order to enable the Central Government to take necessary steps for administrative preparedness, sub-clause (2) seeks to empower the Central Government to appoint, by notification in the Official Gazette, the date of commencement of the Bill, when enacted.

Clause 2.— The long title of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 clearly indicates the fact of exemption of employers in relation of establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. It is proposed to amplify the scope of applicability of the Act to establishments employing not more than five hundred persons. It is also proposed to empower the Central Government to alter the said upper limit. It is accordingly, proposed to amend the long title of the Act *vide* clause 2 of the Bill.

Clause 3.— Sub-clause (1) of this clause seeks to insert a new section 1A in the Act providing for the application of the Act. Sub-section (1) of the proposed new section 1A provides that the provisions of the Act would be applicable to establishments, which are employing or employed not more than five hundred persons on any day of the preceding twelve months from the reckoning date. Sub-clause (2) seeks to empower the Central Government to extend the provisions of the Act, by notification in the Official Gazette, to establishments employing more than five hundred workers on any day of the preceding twelve months from the reckoning date.

Clause 4.— This clause *inter alia* seeks to define the expressions “inspector” and “other establishment”. It is proposed to clarify that the word “inspector” used in the Act shall refer to the inspector appointed by the appropriate Government under the relevant provisions of the concerned Scheduled Act. This definition is on the lines of the provisions of other labour laws.

Clause 5.— This clause seeks to substitute section 4 of the Act relating to exemption from returns and registers required under certain labour laws and also to insert a new section 4A in the Act relating to exemption from the requirement of displaying of abstracts of Acts and rules at work premises.

As per sub-section (1) of the proposed new section 4, the employer of small and other establishments to which the Act applies is required to furnish, instead of furnishing returns under the Scheduled Acts, annual return in Form I appended to the Third Schedule to the Act. Similarly they are required to maintain only a register of persons employed-cum-employment card in Form II and a consolidated muster roll-cum-wage register in Form III appended to the Third Schedule to the Act instead of various registers to be maintained under the Scheduled Acts. However, the employers of other establishments, i.e. establishments employing not less than twenty persons are required to continue to maintain wage books and issue wage slips and employment cards and other records enumerated in the Second Schedule. This will simplify the procedure and reduce the number of registers which the employers are required to maintain.

As per sub-section (2) of the proposed new section 4, the employers can maintain annual returns in Form I and the registers in Forms II and III, and wage slips, wage books and other records in computers, computer floppies, diskette or other electronic media. However, the employer shall be required to give print outs to the inspector on demand.

Sub-section (3) of the proposed new section 4 seeks to apply the procedure laid down under the relevant Scheduled Act in the case of furnishing of returns and maintaining of registers under the Act.

Sub-section (5) of the proposed new section 4 seeks to provide and clarify that the employer who furnishes the returns and maintains the registers under the Act shall not be punished for non-furnishing of such returns and non-maintenance of such registers under the Scheduled Acts.

The proposed new section 4A seeks to exempt the employers of establishments to which the Scheduled Acts apply, from displaying abstracts of Acts and rules framed under those Acts.

Clause 6.— This clause seeks to amend section 6 of the Act relating to penalty. It is observed that the penalty provided in the Act is not stringent or adequate enough for deterrent effect. It is, therefore, proposed to enhance the penalty for first conviction from “five thousand rupees”, as at present, to “imprisonment, which may extend to three months or with fine which may extend to ten thousand rupees or with both”.

Clause 7.— This clause seeks to substitute sections 7 and 8 of the Act. The proposed new section 7 empowers the Central Government to amend, by notification in the Official Gazette any Schedule to the Act. However, every notification issued under this section is required to be laid before each House of Parliament.

The proposed new section 8 empowers the appropriate Government or any authority duly authorised by such Government to exempt, by order, any establishment from the requirement of maintenance of any register or record if it is satisfied that suitable alternative arrangement has been introduced. The Explanation to this clause clarifies that “appropriate Government”, in relation to an establishment under the control of the Central Government or a railway administration or major port or mine or oil field means the Central Government and in other cases, the State Government.

Clause 8.— This clause seeks to revise the existing two Schedules of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 in the following manner:—

(i) The First Schedule contains the names of the sixteen Scheduled Acts as against nine enactments as at present. The enactments now proposed to be added to the First Schedule are— (i) the Motor Transport Workers Act, 1961, (ii) the Payment of Bonus Act, 1965, (iii) the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, (iv) the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, (v) the Dock Workers (Safety, Health and Welfare) Act, 1986, (vi) the Child Labour (Prohibition and Regulation) Act, 1986 and (vii) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

(ii) The Second Schedule contains the details of those additional records, which will be maintained by the employers of other establishments, in different circumstances, in addition to those prescribed under the Third Schedule.

(iii) At present, the forms are now appended to the Second Schedule to the Act. It is proposed to revise the Forms and put them under the proposed Third Schedule.

Clauses 9 to 24.— One of the recommendations of the Second National Commission on Labour has been that the penalties prescribed under the different Labour laws should be enhanced to make them at par with those prescribed in the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988. Recently, the Department Related Parliamentary Standing Committee on Labour and Welfare, while examining the Payment of Wages (Amendment) Bill, 2002, also observed that the penalties and fines should be made more stringent in order to have a deterrent effect on those who violate the laws. It is, accordingly, proposed that the penalties for obstructions and non-maintenance of the records may be prescribed on a uniform basis in all the Scheduled Acts so that penalties for non-maintenance of records are uniform in the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 as

well as in the Scheduled Acts. In case of a second or any subsequent conviction, penalty at a higher rate is proposed to be prescribed so that there is no apathy on the part of the employer to maintain registers or furnish returns as required by the law.

It is proposed that the penalty for a second or any subsequent conviction shall be imprisonment for a term, which shall not be less than one month, and may extend to six months or fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both. It is, therefore, proposed to lay down a uniform scale of penalty by amending all the Scheduled Acts, except the Payment of Wages Act, 1936 in respect of which separate legislation has been considered. Accordingly—

(i) clause 9 of the Bill seeks to substitute section 9 relating to penalties of the Weekly Holidays Act, 1942;

(ii) clause 10 of the Bill seeks to substitute section 22A relating to general provisions for punishment of other offences of the Minimum Wages Act, 1948;

(iii) clause 11 of the Bill seeks to amend section 95 relating to penalty for obstructing inspector of the Factories Act, 1948;

(iv) clause 12 of the Bill seeks to amend section 33 relating to obstruction of the Plantations Labour Act, 1951;

(v) clause 13 of the Bill seeks to amend section 18 relating to penalty of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955;

(vi) clause 14 of the Bill seeks to amend section 29 relating to obstructions of the Motor Transport Workers Act, 1961;

(vii) clause 15 of the Bill seeks to amend section 28 relating to penalty of the Payment of Bonus Act, 1965;

(viii) clauses 16 and 17 of the Bill seek to amend sections 32 relating to penalty for obstructing inspector and 33 relating to general penalty for offence, respectively, of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966;

(ix) clause 18 seeks to amend section 22 relating to obstructions of the Contract Labour (Regulation and Abolition) Act, 1970;

(x) clause 19 of the Bill seeks to amend section 9 relating to penalty of the Sales Promotion Employees (Conditions of Service) Act, 1976 and clause 20 thereof seeks to insert a new section 9A relating to obstructions;

(xi) clause 21 seeks to amend section 10 relating to penalties of the Equal Remuneration Act, 1976;

(xii) clause 22 seeks to amend section 24 relating to obstructions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1996;

(xiii) clause 23 of the Bill seeks to amend section 14 relating to penalties of the Dock Workers (Safety, Health and Welfare) Act, 1986;

(xiv) clause 24 of the Bill seeks to amend section 14 relating to penalties of the Child Labour (Prohibition and Regulation) Act, 1986; and

(xv) clause 25 of the Bill seeks to amend section 49 relating to penalty for obstructions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill, *inter alia*, seeks to substitute section 7 of the Labour Laws (Exemption from Furnishing Returns and Maintaining of Registers by certain Establishments) Act, 1988 relating to power of Central Government to amend the Schedules. Sub-section (1) of the proposed new section 7 seeks to empower the Central Government to amend, by notification in the Official Gazette, any Schedule to the Act. Sub-section (2) of the said section requires that every notification issued under sub-section (1) shall be required to be laid before each House of Parliament.

2. The aforesaid matter relates to procedure of an administrative detail and it is not practicable to provide for it in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

YOGENDRA NARAIN,
Secretary-General.